

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

Name: Saddozai Shikeb
(Last) (First) (Middle Initial)

Prisoner Number: AY1590

Institutional Address: California Correctional Institution (CCI)
P.O. Box 1905, Tehachapi, C.A. 93581

FILED

UNITED STATES DISTRICT COURT

AUG 15 2019

NORTHERN DISTRICT OF CALIFORNIA

SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

SHIKEB SADDOZAI
(Enter your full name.)

"SECOND AMENDED COMPLAINT"

vs.

Case No. C-18-05558 BLF (PR)
(Provided by the clerk upon filing)

CLAWSON

**COMPLAINT UNDER THE
 CIVIL RIGHTS ACT,
 42 U.S.C. § 1983**

(Enter the full name(s) of the defendant(s) in this action.)

I. Exhaustion of Administrative Remedies.

Note: *You must exhaust available administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.*

A. Place of present confinement (CCI) State Prison, P.O. Box 1905, Tehachapi
C.A. 93581

B. Is there a grievance procedure in this institution? YES ☒ NO ☐

C. If so, did you present the facts in your complaint for review through the grievance procedure? YES ☒ NO ☐

D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue any available level of appeal, explain why.

1. Informal appeal: _____

1 2. First formal level: October 15, 2018, Appeal#SQ-A-18-02997
2 filed against correctional officer; Clawson and denied.

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4 3. Second formal level: November 6, 2018, Appeal#SQ-A-18-02997
5 filed and denied at second level.

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7 4. Third formal level: February 5, 2019, Appeal#SQ-A-02997
8 exhausted and denied at third level.

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10 E. Is the last level to which you appealed the highest level of appeal available to you?

11 YES ☒ NO ☐

12 F. If you did not present your claim for review through the grievance procedure, explain why.
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16 **II. Parties.**

17 A. Write your name and present address. Do the same for additional plaintiffs, if any.

18 Shikeb Saddozai-CDCR#AY1590, California Correctional Instit-
19 ution(CCI), P.O. Box 1905, Tehachapi, C.A. 93581
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21 B. For each defendant, provide full name, official position and place of employment.

22 Clawson, CDCR Correctional Officer, San Quentin State Prison.
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III. Statement of Claim.

State briefly the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

(See: Statement of Claim. Attachments page: 4, and 5)

IV. Relief.

Your complaint must include a request for specific relief. State briefly exactly what you want the court to do for you. Do not make legal arguments and do not cite any cases or statutes.

(See: Relief. Attachment page: 6.)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: 08-08-2019 H. Laberai
Date Signature of Plaintiff

STATEMENT OF CLAIM. I

1. At all times relevant to this case, plaintiff Shikeb Saddozai, while detained in the custody of the California Department of Corrections and Rehabilitation (CDCR), San Quentin State Prison (SQSP), on or about August 14, 2018, Saddozai, after returning from evening meal, awaiting for his cell door to be unlocked by officer, was beaten and battered by four inmates.
2. Saddozai attempted to protect his face and head with his arms. Correctional officer Clawson, at all times acted under the color of state law, acted with deliberate indifference, discharged and fired his weapon shooting Saddozai on his lower back towards his buttocks, rather than the four intended targets, without verbal warning, and as a result assailants failed to comply, continued to assault Saddozai, in violation of the U.S. constitution under the Eighth Amendment.
3. Correctional officer Clawson, had in his possession at all times, chemical agents (pepper spray), that is less likely to relate to death or serious bodily injury, and deliberately failed the use of alternatives to the immediate use of deadly force, intentionally to cause Saddozai injury, which served no penological interest due to Saddozai being the victim, and failed to protect from harm.
4. Saddozai was removed from housing unit in handcuffs behind his back as punishment to inflict additional pain, cuts, bruising, and numbness due to cuffs placed extremely tight beyond reasonableness cutting Saddozai's blood circulation, leading to nerve damage and loss of feeling.
5. Saddozai was forced to strip naked, in the presence of non-medical personnel, and denied immediate doctor's attention or medician upon Saddozai's request for his inflicted injuries, active bleeding, pain and suffering, nor reasonable accommodations made for his physical disability effecting his life activities, preventing Saddozai from using the toilet sitting or laying down, leaving Saddozai incapacitated, as a result of being assaulted by four inmates, and by correctional officer Clawson, violating Saddozai's Fourth, Eighth, and Fourteenth Amendments under the U.S. constitution.

- 1 6. Unknown supervisory officials authorized Saddozai's
2 transfer to disciplinary housing unit Carson, commonly
3 known as the hole, without hearing, and with loss of
4 privileges, devoid of disciplinary violation, when it was
5 reflected that Saddozai was the victim of assault.
- 6 7. Saddozai was repeatedly denied complaint and medical forms
7 upon his request to prevent Saddozai from exercising his
8 first amendment rights to initiate a civil action, and to
9 receive medical treatment, while housed in disciplinary.
- 10 8. The following claims involving a different set of defend-
11 ants, all related to each other, arising out of the same
12 transaction, occurrence, or series of transactions or
13 occurrences Fed R.Civ.P 20(a)(2), and have violated
14 plaintiff Saddozai's First, Fourth, Fifth, Eighth, and
15 Fourteenth Amendments under the U.S. constitution.

PRAYER FOR RELIEF.

WHEREFORE, plaintiff respectfully pray that this court
enter judgment

1. Granting Plaintiff Shikeb Saddozai a declaration that the acts and omissions described herein violate plaintiffs rights under the constitution, and laws of the United States.
2. A preliminary and permanent injunction ordering defendants to cease their physical violence and to be retrained and supervised in carrying out policy and procedure.
3. Granting plaintiff Saddozai compensatory damages in the amount of \$3,000,000.00 against each defendant jointly and severally.
4. Plaintiff Saddozai seeks punitive damages in the amount of \$3,000,000.00 against each defendant, jointly and severally.
5. Plaintiff seeks a jury trial on all issues triable by jury.
6. Plaintiff also seek recovery of their cost in this suit and
7. Any additional relief this court deems just, proper, and equitable.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS
TRUE AND CORRECT .

Executed on August 8th, 2019

A Saddozai
Plaintiff Shikeb Saddozai